

**WILLIAMSBURG CITY COUNCIL
JUNE 9, 2005
MINUTES**

The Williamsburg City Council held its regular monthly meeting on Thursday, June 9, 2005, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Scruggs, Chohany and Freiling. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads: Nestor, Hudson, Serra, Yost, Weiler, and Assistant City Manager Miller.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Scruggs Moved That City Council Adopt the Minutes of the May 9, 12, and 31, 2005. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

MATTERS OF SPECIAL PRIVILEGE

Excellence in Service to Williamsburg Award Presented to Jane Trimble, Senior Revenue Specialist

Mayor Zeidler said it was an honor to recognize a valued city employee. This award is given to a person who is recognized by their fellow workers as being an excellent city employee. She asked Ms. Trimble to join her at the podium. Mayor Zeidler read the recognition outlining Ms. Trimble's responsibilities and accomplishments. Ms. Trimble was presented the "Excellence in Service to Williamsburg Award" plaque.

Ms. Trimble said she was honored to receive the award and that she enjoyed serving the citizens of Williamsburg. She appreciated being nominated. She added that no one stands alone in good performance, and thanked her coworkers in the Assessor's Office, IT Department, Commissioner of Revenue's Office, and Finance Department.

PUBLIC HEARINGS

PCR #05-010: Amend Zoning Ordinance to Create the ED-2 Economic Development District, *Proposed Ordinance #05-14 (A,B,C)*

and

PCR #05-011: Rezoning Approximately 59 Acres at 1424-1446 Richmond Road and 150-176 Ironbound Road (the High Street development) from ED to ED-2, *Proposed Ordinance #05-15*

Reference for this item was Mr. Nester's report dated June 9, 2005 and Mr. Nester's memorandum dated June 8, 2005, regarding "Correction to Townhouse Regulations." Mr. Nester said that the Proposed Ordinance #05-14 creates the ED-2 Economic Development

District and Proposed Ordinance #05-15 rezones 59 acres of land for the High Street Development from ED to ED-2. The proposals for development of the High Street and Riverside properties led to a major revision of the ED District. The ED-2 zoning will allow for mixed use development with a residential component and will accommodate the medical uses proposed for the Riverside development. Residential density will increase from ten to twelve units per net acre.

Mr. Nester reviewed the changes to the zoning designation and noted that the language of Proposed Ordinance #14-A regarding "townhouse regulation" has been amended to allow for detached garages (as outlined in his memorandum), with fifteen feet between the townhouse and garage, which is in concert with the current High Street development plans. Planning Commission recommended that City Council adopt the proposed ordinances.

Mr. Nester recommended concurrent public hearings on these matters.

Mayor Zeidler opened the public hearings.
No one wished to speak. The hearings were closed.

Mr. Haulman said that the city has been working on these matters for quite some time. Planning Commission has reviewed them and Council has discussed them several times.

Mr. Haulman Moved That City Council Approve Proposed Ordinance #05-14A, as Amended , An Ordinance Amending Chapter 21, Zoning, by Creating Article III, Division 10.2, Economic Development District ED-2; Proposed Ordinance #-5-14B, An Ordinance to Amending Chapter 21, Zoning, by Revising Article V, Parking, Pertaining to Special Parking Regulations, Proposed Ordinance #05-14C, An Ordinance of Amending Chapter 21, Zoning, by Revising Article VII, Site Plans, Pertaining to Site Plans; and Proposed Ordinance #05-15, An Ordinance to Rezone Approximately 59 Acres at 1440-1446 Richmond Road and 150-176 Ironbound Road from ED to ED-2. The Motion was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

(SEE ATTACHED ADOPTED ORDINANCES #05-14 A, B, C, and #05-15)

PCR #05-012: Request of Walsingham Academy, 1100 Jamestown Road, for A Special Use Permit to Construct A 119 Space Parking Lot

Reference for this item was Mr. Nester's report dated June 9, 2005. Mr. Nester reviewed the Walsingham Academy site plan and the proposed parking lot location. The academy is requesting Council's approval of a special use permit to allow construction of the parking lot expansion. The new lot will increase the number of parking spaces from 158 to 277 and will be well landscaped. The planning commission recommended that the special use permit be approved with the contingency that all dead trees be removed from the buffer area adjacent to Jamestown Road along the entire frontage of the property.

Mr. Scruggs disclosed that his daughter is a student at the academy, but he felt he could discuss this request and make an impartial decision. He asked Mr. Phillips for an opinion.

Mr. Phillips said that as long as Mr. Scruggs did not receive \$10,000 or more a year from the academy, that Mr. Scruggs divulges his relationship with the academy, and that he states that it will not affect his objectivity in this matter, there is no conflict. Mr. Scruggs so stated.

Mr. Chohany also disclosed that his child attends the academy, that he has received no money from the academy, and that he is able to make an impartial decision in this matter.

Mayor Zeidler opened the public hearing.

Mr. Jeff Barra and Sister Mary Jean, President of Walsingham, represented the academy. They asked for Council's concurrence with the Planning Commission recommendation. They said they would be happy to answer questions.

No one else wished to speak. The hearing was closed.

Mr. Haulman spoke in support of this request. The plan is well thought out, the school involved the neighbors in discussion, and it is a substantial improvement. Mr. Chohany concurred with Mr. Haulman's comments and added that parents are in support of this plan. Currently, parking for sporting events and activities is less organized and the new lot will be an improvement.

Mr. Freiling Moved that City Council Approve the Special Use Permit for Walsingham Academy, 1100 Jamestown Road, With the Contingency that All Dead Trees Be Removed from the Buffer Area Adjacent to Jamestown Road Along the Entire Frontage of the Property, as Recommended by the Planning Commission. The Motion was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

PCR #05-014: Request of Williamsburg United Methodist Church, 514 Jamestown Road, for a Special Use Permit for a 27,795 Square Foot Expansion

Reference for this item was Mr. Nester's report dated June 9, 2005. Mr. Nester said that the church is requesting approval of a special use permit to construct a 27,795 square foot addition to the church located at 514 Jamestown Road. The addition will be used for Sunday School, community services, and to upgrade offices and restrooms. The existing buildings at the corner of Jamestown Road and Cary Street will be demolished. Mr. Nester reviewed a map of the church and surrounding properties. The new total of 162 parking spaces exceeds the Zoning Ordinance parking requirement of 65 spaces (based on the main place of assembly). A memorial garden is proposed at the corner of Jamestown Road and Cary Street. The Architectural Review Committee has approved the design of the building and has approved the demolitions. The Planning Commission recommended that City Council approve the special use permit to allow the proposed addition to the church in accordance with the preliminary site plan.

Mayor Zeidler opened the public hearing.

Mr. Ken Hook, Chairman of the Church Building Committee, asked for Council's approval of the request. Mr. Hooks addressed the issue of noise from the church HVAC unit and how the church has worked to mitigate the noise and alleviate neighbor concerns. They have installed a solid fence, taken voice readings, installed sound bafflers on the units, and replaced the blades on unit fans. The church is considering the installation of sound baffling material inside the unit to further reduce the noise. The new expansion will use heat pumps instead of chiller units.

Mr. Hook said the proposed memorial garden will have a hedge, ornamental trees, large trees, and flowers. He added that some members of the church may want their cremains buried in the garden.

No one else wish to speak. The hearing was closed.

Mayor Zeidler expressed appreciation to the church members for addressing the noise issue over the years—that is the action of a good neighbor.

Mr. Haulman was pleased that the memorial gardens will create a setback from the street and will help to open up Jamestown Road, particularly since the building under construction on Barksdale Field has no setback. He hoped that Senior Services would be able to come back to their present location.

Mr. Chohany was impressed with the care and thoughtfulness of the design layout.

Mr. Chohany Moved that City Council Approve the Special Use Permit as Recommended By of the Planning Commission. The Motion was Seconded by Mr. Scruggs.

Mr. Nester clarified that according to the zoning ordinance, the use of a memorial garden for burial of cremains is considered part of the operating site of the church.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

REPORTS

Monthly Financial Statement

The Monthly Financial Report was received and ordered filed.

Tuttle reported on room, meal, and sales tax revenues for the year to date. Total revenues will be close to budget projections for the current fiscal year.

Council members, Mr. Serra, and Mr. Tuttle discussed the need for reporting that would take into account anomalies in collections on the financial report. Mr. Haulman offered to work with Mr. Serra on the report to address the skewing problem with anomalies.

Monthly Departmental Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

Mr. Tuttle said the Public Works and Utilities Department Report now relates to the Work Order System so that work order outcomes can be reviewed.

City Manager Reports

Taxi Ordinance Amendment, *Proposed Ordinance #05-16* and

Maximum Number of Taxicabs to Operate in City, *Proposed Resolution #05-11*

Reference for this item was Mr. Tuttle's report dated June 2, 2005. Mr. Tuttle said that at the May Council Meeting, members received information about possible amendments to the City Code regarding the process for issuing Certificates of Public Convenience and Necessity and subsequently asked staff to prepare an ordinance revision. Proposed Ordinance #05-16 amends and restates the code regarding regulation and operation of taxi cabs within the city. Council also agreed to consider setting the maximum number of taxicabs to operate in the city. The proposed resolution establishes that number to be 28. Staff recommended adoption.

Mr. Tuttle introduced Ms. Crist to review the key changes to the code:

- Deletes reference to the State Corporation Commission as the regulatory agency and inserts "appropriate state licensing agency."
- City Council establishes by resolution the maximum number of cabs that operate in the city.
- City Manager implements certificate process.
- New or renewal applications to be filed with the City Manager on or before November 1 each year, eliminating the need for public hearing.
- Increased the annual franchise fee from \$75 to \$100, and increased the per vehicle fee from \$75 to \$100.
- Deleted the requirement for annual physical exam for taxicab drivers, but reserved the right for the City Manager to require exam.
- Taxi driver license fee (and renewal fee) increased from \$10 to \$25.
- Added language concerning inspection for general cleanliness and sanitary conditions, as well as interior condition and tires.
- Increase trip commencement fee (\$1.75) from 1/6 mile to 1/7 mile and per mile rate from \$.25 per 1/6 mile to \$.25 per 1/7 mile.
- Authorizes City Manager to adjust the rates of fare to accommodate market conditions on the Virginia Peninsula.

Mayor Zeidler thanked staff for the work on this amendment and the resolution. This simplifies the procedures for taxi cab operation. Mr. Haulman said the changes benefit the cab companies and the city. Mr. Tuttle clarified that the procedure for appeal to City Council is located in Section 20-55.

Mr. Scruggs Moved that City Council Adopt Proposed Ordinance #05-16, An Ordinance to Amend and Restate Chapter 20, Article II of the City of Williamsburg Code Regarding the Regulation and Operation of Taxi Cabs Within the City of Williamsburg; and that City Council Adopt Proposed Resolution #05-11, A Resolution to Establish the Total Number of Taxi Cabs that May Be Authorized to Operate in the City. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

(SEE ATTACHED ADOPTED ORDINANCE #05-16 AND RESOLUTION #05-11)

Building Permit Fee Schedule

Mr. Tuttle reported that the proposed building permit fees schedule was reviewed at the June 6 Work Session by John Catlett. Staff is recommending adoption.

Mr. Haulman noted that this increase is designed to help cover the costs of services by a particular segment of the industry. Staff has interacted with the building industry regarding these changes. The changes are miniscule and it makes sense to do this.

Mr. Scruggs stated he was not sure of the interaction with the industry, but understood that Mr. Catlett did talk to people about the revisions and fees. He was not necessarily in disagreement with this proposal or the fees per se; however, he was concerned about the review process.

Mr. Phillips clarified for Mr. Scruggs that an increase in taxes would require a public hearing, but that same requirement does not apply to an increase in fees.

Mr. Scruggs felt that more time should have been given to receive input from the building industry. He asked Council to consider deferring action on this item for 30 to 60 days in order to receive comment from members of the building community.

Mr. Tuttle said that the Building Official's office interacts on a daily basis with owners, builders, and contractors. This proposed revision responds and reflects comments that were heard about fee calculation, etc. Council could delay action, or it could put the new fees into effect while studying the results of the change. The schedule can be amended at any time. He suggested moving forward.

Mayor Zeidler noted that Mr. Catlett said that this is not a large increase in the fees, but an attempt to respond to conditions found in the field and streamline the review process to make it more efficient for people in the industry. She understood the increase in fees to be marginal. Mr. Catlett's department is always looking for ways to improve the process.

Mr. Haulman concurred. The charges are being brought in line with services, and nothing would be gained by deferring.

Mr. Haulman Moved That City Council Adopt the Proposed Building Permit Fee Schedule Effective July 1, 2005. The Motion Was Seconded by Mr. Freiling.

Mr. Scruggs reiterated that there should be additional opportunity for the building community to address the fee schedule. The Mayor suggested that Council put the schedule into practice to see how it works; it could be changed at any time.

Mr. Freiling said that it was his understanding that regular feedback was received by Mr. Catlett, and that this proposal was an effort to meet customer needs. This provides a more efficient process to provide better service. He supported Council moving forward with the proposed fee schedule.

Mr. Chohany supported the proposed fee schedule and appreciated the preview provided at the work session and the opportunity to air the information for the public. He liked the process and would like it to be used for future reviews.

Mr. Scruggs asked that the record reflect that his vote does not reflect his feelings about these particular guidelines or the building official's department, only the process. He would like to have the extension.

Recorded Vote on the Motion:

Aye: Freiling, Zeidler, Haulman, Chohany

No: Scruggs

UNFINISHED BUSINESS

Mr. Haulman announced that a Community Forum will be held on Monday, June 20, 6:30 p.m. in the Stryker Building by the ARB Design Review Subcommittee. The forum is open to the public.

NEW BUSINESS

Appointments to Boards and Commissions

Mr. Haulman Moved That City Council Appoint Ms. Susan Geary to the Williamsburg Library Board for a Four-Year Term to Expire June 30, 2009, Effective July 1, 2005. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

OPEN FORUM

No one wished to speak. The session was closed.

The meeting adjourned at 3:11 p.m.

Approved: July 14, 2005

Mayor Jeanne Zeidler

Shelia Y. Crist, Clerk of Council